UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,566	03/06/2001	Robert Olan Keith JR.	ABREAU-00107	4072

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EXAMINER
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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 June 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-32_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendments to claims 1 – 32 are acknowledged. Currently, claims 1 – 32 are

pending.

Response to Arguments

2.   Applicant's arguments filed 06/01/04 have been fully considered but they are not

persuasive.

♦ Applicant argues that Witek does not teach a query formatted by the external application using

an API, where the formatted query is used directly by the research system. The Examiner

respectfully disagrees.

Referring to page 33 in the disclosure, Applicant discloses an API located within the

external system module 170 that allows other application (external system or web sites) to used

the research system. The External systems use the API to query the research system. The

external system also used the API to format and reformat the query.

Witek discloses an Internet service provider 24 in Fig. 2. The Service Provider supplies

the user communication software to connect with Internet 14 (col. 21, lines 36 – 52). The Service

Provider also supplies browser software that allows the user to view the search information (col.

22, lines 2 – 14). Therefore, the Service provider corresponds to the API in the instant

application. Witek also teaches that the user will be assumed to have access to Internet 14

through the service provider (Col. 21, lines 50 – 52). Therefore, the external application of Witek

is capable of formatting the query using the software that provided by the Service Provider.

◆Applicant argues that Witek does not teach accessing a node within the directory tree structure

using a query string (page 12 of the Remark). The Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., the different

between query and query string, where the query string as claimed in the invention is described

as a command string written in a specific query language (page 13 of the Remark) are not recited

in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Witek discloses a search system that allows the users to input search string (such as

keywords, search options, see Fig. 10). Those keywords are represented a string. Therefore, there

is no difference between the queries in Witek with the query string in the instant invention.

◆Applicant argues that Witek does not teach a dichotomous key search (page 15 of the remark).

The Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., the definition

of dichotomous and the way to use it as disclosed on page 18, lines 6 – 10 of the disclosure) are

not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van

Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As disclosed in the disclosure, an example of dichotomous key search is a yes no answer.

Witek also discloses a yes no answer in the form of check box (See col. 16, lines 27 – 41).

Therefore, Witek does disclose the dichotomous key search in the invention.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1 - 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Witek et al

(U.S. 6,253,188).

♦ As per claim 1, 9, 17, 25, 31 – 32,

Witek teaches a method of accessing information in a searchable database comprising:

- "The searchable database is formatted in a directory tree structure" See Fig. 4, col. 11,

   lines 20 – 25, col. 18, lines 1 – 32.

- "The directory tree structure includes nodes ... branches" See fig. 4. Each category

   corresponds to a node. All nodes are linked together.

- "Categorizing each item of data by a navigation path through the directory tree structure

   and by one or more parameters" Witek teaches that: "Web sites and associated pages are

   prepared with HTML and include "links" to other locations and resources on the Web,

   the links being the features which enables a user, as noted, to "navigate" from one point

or information resource to another, thereby, providing the Web with its dynamic

character (col. 23, lines 11 – 22.) Therefore, the link corresponds to the path that is used

to access to the resource. Witek discloses a method to category documents by identifying

the parameters and associated values (col. 50, lines 56 – 67). Based on these values, the

document is assigned to a category, and created link to the document.

- " Each parameter is set with a corresponding value associated with the data item thereby

   forming a set parameter" see Fig. 3, col. 15, lines 25 – 26, col. 51, lines 1 – 11.

- " An external application different than the research system accessing one or more

   nodes… and obtaining data from the one or more node by utilizing an application

   programming interface associated with the research system" See Fig. 2, elements 22 - 24,

   col. 21, lines 36 – col. 22, lines 14. An "application programming interface"

   corresponding to the Service provider 24.

♦ As per claim 2, 10, 18, 26,

- " The applications programming interface accesses the one or more nodes… using a

   query string defining a navigation path" The query includes keywords that defined the

   navigation path. Users access the directory by a query (See Fig. 10, Witek); therefore the

   navigation path is defined by a query language string.

♦ As per claim 3, 11, 19, 27,

- "Links to other nodes within the directory tree structure, links to web sites external to the

   electronic system" See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10 – 16 of Witek.

♦ As per claim 4, 12, 20, 28, Witek teaches:

- "The searchable database is distributed into more than one physical location" See Fig. 1,

  element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44 of Witek.

♦ As per claim 5 - 7, 13 – 15, 21 – 23, 29,

- "Accessing one or more nodes is performed by a server" See Fig. 1, 5A, col. 25, lines 13

  – 33 of Witek.

- "Establishing an Internet connection with the server" See Fig. 5a, element 14, 24, col. 21,

  lines 15 – 20 of Witek.

♦ As per claim 8, 16, 24, 30, Witek teaches:

- "Utilizing a selective one or more…. parametric search" " A dichotomous key search"

  See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in

  the Specification a "dichotomous key search" is used to instruct users given in an answer

  or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10,

  Witek also gives the users the options of answer questions by checking the boxes.

  Therefore, this search option is corresponding to the "dichotomous key search". " A

  parametric search" See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29.

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is 703 - 305-1951.

The examiner can normally be reached on Monday-Friday.

From October 25, 2004, the Examiner can be reached at a new phone number: 571 –

272 – 4024.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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